

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

MARNIE O'BRIEN,	)
	)
Plaintiff,	)
	)
v.	)
	)
MIDDLE EAST FORUM,	)
DANIEL PIPES (individually), and	)
GREGG ROMAN (individually),	) C.A. No. 19-06078 JMG
	)
Defendants.	)
	)
GREGG ROMAN,	)
	)
Counterclaim Plaintiff,	)
	)
v.	)
	)
MARNIE O'BRIEN,	)
	)
Counterclaim Defendant,	)

**DEFENDANTS' PROPOSED SPECIAL INTERROGATORIES**

Defendants Middle East Forum, Daniel Pipes, and Gregg Roman, by and through their counsel, respectfully submit their Proposed Special Jury Interrogatories.

**A. Hostile Work Environment**

1. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was subjected to intentional discrimination solely on the basis of her sex?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #1, STOP your deliberations on Section A and proceed to Section B. If you answered “Yes” to Question #1 go to Question #2.**

2. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination was severe or pervasive?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #2, STOP your deliberations on Section A and proceed to Section B. If you answered “Yes” to Question #2 go to Question #3.**

3. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination detrimentally affected her personally?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #3, STOP your deliberations on Section A and proceed to Section B. If you answered “Yes” to Question #3 go to Question #4.**

4. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination would have detrimentally affected a reasonable person in similar circumstances?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #4, STOP your deliberations on Section A and proceed to Section B. If you answered “Yes” to Question #4 go to Question #5.**

5. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that they exercised reasonable care to prevent and correct promptly any sexually harassing behavior?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #5, STOP your deliberations on Section A and proceed to Section B. If you answered “Yes” to Question #5 go to Question #6.**

6. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, unreasonably failed to take advantage of those remedial opportunities by not promptly reporting any harassment to the Defendant?

**RESPONSE:**  Yes  No

**Please proceed to Section B.**

**B. Constructive Discharge**

7. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally subjected to working conditions so intolerable that any reasonable person would have resigned their employment under similar circumstances?

**RESPONSE:**  Yes  No

**If you answered “No” to Question #7, STOP your deliberations on Section B and proceed to Section C. If you answered “Yes” to Question #7 go to Question #8.**

8. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally subjected to intolerable working conditions solely due to discrimination on the basis of her sex?

**RESPONSE:**  Yes  No

**Please proceed to Section C.**

**C. Pay Discrimination**

9. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally paid less than her similarly situated male counterparts solely due to discrimination on the basis of her sex?

**RESPONSE:**  Yes  No

**Please proceed to Section D.**

**D. Aiding and Abetting**

10. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that Defendant, Gregg Roman, aided and abetted a discriminatory practice carried out by Defendant, The Middle East Forum?

**RESPONSE:** \_\_\_\_\_ Yes      \_\_\_\_\_ No

**Please proceed to Question # 11.**

11. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that Defendant, Daniel Pipes, aided and abetted a discriminatory practice carried out by Defendant, The Middle East Forum?

**RESPONSE:** \_\_\_\_\_ Yes      \_\_\_\_\_ No

**Please proceed to Section E.**

**E. Abuse of Process**

12. Has the Defendant, Gregg Roman, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, used the legal process in a wrongful manner, influenced by an ulterior motive, that caused damage to Defendant?

**RESPONSE:** \_\_\_\_\_ Yes      \_\_\_\_\_ No

**Please proceed to Section F.**

**F. Damages**

**Economic Damages**

13. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, failed to mitigate her damages by not taking reasonable steps to secure suitable alternative employment?

**RESPONSE:** \_\_\_\_\_ Yes \_\_\_\_\_ No

**If you answered “Yes” to Question #13, STOP your deliberations on Section “Economic Damages” and proceed to Section “Compensatory Damages.” If you answered “No” to Question #13 go to Question #14.**

14. What amount of back pay, if any, do you award to Plaintiff, Marnie O'Brien?

**RESPONSE:** \_\_\_\_\_

15. What amount of front pay, if any, do you award to Plaintiff, Marnie O'Brien?

**RESPONSE:** \_\_\_\_\_

**Please proceed to Section “Compensatory Damages.”**

**Compensatory Damages**

16. What amount of compensatory damages, if any, do you award to Plaintiff, Marnie O'Brien?

**RESPONSE:** \_\_\_\_\_

**Punitive Damages**

17. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that management of, Defendant, The Middle East Forum, acted maliciously, with an intent to harm, or recklessly, with serious disregard for Plaintiff's rights?

**RESPONSE:** \_\_\_\_\_ Yes \_\_\_\_\_ No

**If you answered “No” to Question #17, STOP your deliberations on Section “Punitive Damages” and proceed to Section “Aiding and Abetting.” If you answered “Yes” to Question #17 go to Question #18.**

18. What amount of punitive damages, if any, do you award to Plaintiff, Marnie O’Brien?

**RESPONSE:** \_\_\_\_\_

**Please proceed to Section “Aiding and Abetting”**

**Aiding and Abetting**

19. If you Answered “Yes” to Question 10, what amount of damages, if any, do you award against Defendant, Gregg Roman?

**RESPONSE:** \_\_\_\_\_

20. If you Answered “Yes” to Question 11, what amount of damages, if any, do you award against Defendant, Daniel Pipes?

**RESPONSE:** \_\_\_\_\_

**Please proceed to Section “Abuse of Process”**

**Abuse of Process**

21. If you Answered “Yes” to Question 12, what amount of actual damages, if any, do you award to Defendant, Gregg Roman?

**RESPONSE:** \_\_\_\_\_

22. If you Answered "Yes" to Question 12, what amount of punitive damages, if any, do you award to Defendant, Gregg Roman?

**RESPONSE:** \_\_\_\_\_

**PLEASE SIGN THE FORM BELOW AND NOTIFY THE DEPUTY CLERK THAT YOU  
HAVE REACHED A VERDICT.**

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DATED

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FOREPERSON

**CERTIFICATE OF SERVICE**

I, Jakob Williams, Esquire, hereby certify that on July 16, 2021, the foregoing document was served upon the following parties via CMECF Electronic Filing:

Erica A. Shikunov, Esquire  
Susan Keesler, Esquire  
Derek Smith Law Group, PLLC  
1835 Market Street, Suite 2950  
Philadelphia, PA 19103  
[erica@dereksmithlaw.com](mailto:erica@dereksmithlaw.com)  
[susan@dereksmith.com](mailto:susan@dereksmith.com)

*/s/ Jakob Williams*  
\_\_\_\_\_  
Jakob Williams, Esq.